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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

ROGER M. LINDMARK,

Plaintiff and Respondent,

v.

FRITO BANDITO, LLC,

Defendant and Appellant.

B263833

(Los Angeles County
Super. Ct. No. BC425490)

APPEAL from an order of the Superior Court of Los Angeles County, John L. Segal, Judge. Affirmed.

Law Office of Lloyd K. Chapman, Lloyd Chapman, for Defendant and Appellant.

Roger M. Lindmark for Plaintiff and Respondent.

Defendant and appellant Frito Bandito, LLC, appeals from an order to disburse a bond to creditor and respondent Roger Lindmark. Frito contends it was error to disburse the bond, because Lindmark's motion was not served on the bond agency or some of the defendants, the court incorrectly concluded the motion was unopposed, and a fraudulent conveyance action is pending concerning an assignment of assets to Lindmark.

Frito elected to proceed on appeal with an appendix, rather than a clerk's transcript, and a settled statement. Frito obtained a settled statement of the proceedings that were held on the motion to disburse the bond. However, Frito did not submit any appendix, and this appellate court has none of the documents necessary to review Frito's contentions on appeal.

"[T]he appellant has the burden of affirmatively demonstrating error by providing an adequate record. A necessary corollary to this rule is that if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed." (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1051, fn. 9, citations omitted; *Santa Clara County Environmental Health Assn v. County of Santa Clara* (1985) 173 Cal.App.3d 74, 83–84.) "The party asserting errors at trial has the burden to properly present his case and to designate an adequate record." (*Electronic Equipment Express, Inc. v. Donald H. Seiler & Co.* (1981) 122 Cal.App.3d 834, 858, fn. 13.) Where the appellant fails to provide an adequate record of the challenged proceedings, we must presume that the appealed judgment or order is correct, and on that basis, affirm. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295–1296; *Estrada v. Ramirez* (1999) 71 Cal.App.4th 618, 620, fn. 1.)

The record produced by Frito is manifestly inadequate to permit meaningful review of the challenged trial court decision. The record on appeal does not contain the underlying complaint, the judgment, or any papers supporting or opposing the motion. As a consequence of the inadequate record, Frito's opening brief violates the California Rules of Court, because it does not support factual assertions with citations to the record. (Cal. Rules of Court, rule 8.204 (a)(1)(C) & (a)(2)(C).) Because the record on appeal is

inadequate to permit meaningful review of the appellate contentions of error, we presume the order is correct and the trial court's decision must be affirmed.

DISPOSITION

The order to disburse the bond is affirmed. Costs on appeal are awarded to Roger Lindmark.

KRIEGLER, J.

We concur:

TURNER, P.J.

BAKER, J.